

Sanitary Control Easement Exception Checklist

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30 TAC §290.41(c)(1)(F) requires that each public water well be protected by a 150-foot sanitary control easement to protect it from pollution hazards. If a public water system (PWS) does not own all of the property within a 150-foot radius of each well, it must request the adjacent land-owners grant a sanitary control easement. If the land-owners refuse to grant the easement, an exception to TCEQ's sanitary control easement requirements may be requested by providing the following information **for each well** to:

Technical Review and Oversight Team (MC-159)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

The following information must accompany the exception request:

- ☐ State of Texas Well Report (well driller's log)

Information about how to find well logs:

<http://www.tceq.texas.gov/drinkingwater/SWAP/wells.html>

If the well reports are unavailable, please also request an exception to the Record Keeping Rule [30 TAC §290.46(n)(3)] and provide as much information as possible for each well, including, but not limited to:

- a. Casing diameter;
- b. Casing material;
- c. Well depth;
- d. Depth to water table;
- e. Date well was drilled;
- f. Driller name; and
- g. Owner of the property when the wells were drilled.

- ☐ Detailed map (include the scale and north direction arrow) or plat identifying :

- a. Location of the well
- b. The area within a 150-foot radius around the well
- c. Property boundaries for all properties within 150 feet of the well. For each property, include:
 - 1) Name of property owner
 - 2) Address of property owner
 - 3) Description of property (e.g., subdivision name, block number, lot number)

Information about property owners and boundaries may be found at the Appropriate County websites:

<http://www.texascad.com>

SEE ADDITIONAL ITEMS ON PAGE 2 OF THIS CHECKLIST

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☐ A statement confirming the presence and location, or absence, of the following hazards (if present include on map):

- a. Any of the following within 50 feet of the well:
- 1) Sanitary or storm sewer
 - 2) Septic tank
 - 3) Cemetery
 - 4) Livestock and feedlots

- b. Any of the following within 150 feet of the well:
- 1) Septic tank disposal area
 - 2) Improperly constructed,* abandoned, or inoperable water well
 - 3) Underground or aboveground petroleum or chemical storage tank
 - 4) Transmission pipeline
 - 5) Landfill and dump sites
 - 6) Military and industrial facilities
 - 7) Sewage treatment plant or sewage wet well
 - 8) Drainage ditch containing industrial or municipal waste discharges
 - 9) Solid waste disposal sites
 - 10) Area where sewage plant or septic tank sludge or effluent is applied
 - 11) Any other potential hazards or contamination sources

*Improperly constructed wells include all wells not constructed to public water well standards (e.g. residential wells).

Note that if a portion of the Right-of-Way for a Road, Highway, and/or Railroad is within the 150 ft radius of the applicable well, request that this portion of the Right-Of Way be included as a part of the Sanitary Control Easement exception.

- ☐ Copies of sanitary control easements for the applicable wells that have been obtained and recorded in the county deed of records.
- ☐ A copy of your correspondence with each adjacent land-owner for properties where sanitary control easements could not be obtained.* Correspondence to adjacent land-owners must:
- a. Include a 30-day review period for the easement request;
 - b. Be within one (1) year of the date of the exception request;
 - c. Be documented by a certified mail receipt; and
 - d. Include a copy of the sanitary control easement with a completed property description for each of the adjacent landowners within 150' feet of the well.

*Alternate methods to satisfy this requirement must be pre-approved by the TCEQ.

If a PWS is a political subdivision, it may adopt an enforceable ordinance in lieu of obtaining sanitary control easements (see “City Ordinance/Land Use Restriction Checklist”). For a copy of this checklist, call the TCEQ’s Public Drinking Water Section at (512) 239-4691 to contact a member of the Technical Review and Oversight Team.

If a PWS owns all land within 150-foot radius of the well, no exception is necessary. The water system must keep on file a copy of the recorded deed and map demonstrating such ownership and make it available to TCEQ staff upon request.